

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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SERGIO L. SHAW,

Plaintiff,

v.

MEG SCHNABLE and BRIAN HEALY,

Defendants.  
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ORDER

09-cv-780-bbc

Defendants Meg Schnable and Brian Healy have filed a motion to dismiss this prisoner civil rights case for improper venue, or, in the alternative, to transfer it to the Eastern District of Wisconsin. Dkt. #11. Although the parties agree that the events relevant to this case occurred in the Eastern District (at the Waukesha County jail), I stayed a decision on the motion in an order dated February 9, 2010, because it was not clear whether defendants lived in the Eastern District or the Western District of Wisconsin. 28 U.S.C. § 1391(b) (venue is proper in any district where defendant resides or where substantial part of events giving rise to lawsuit occurred).

Defendants have supplemented their motion with affidavits in which they aver that

they reside in Waukesha County, which is in the Eastern District of Wisconsin. Dkt. ##17-18. Plaintiff has not filed anything in response. Accordingly, I find that venue is improper in this district and will transfer the case to the Eastern District of Wisconsin. Mostly Memories, Inc. v. For Your Ease Only, Inc., 526 F.3d 1093, 1098 (7th 2008) (courts should transfer case rather dismiss it when venue is improper).

#### ORDER

IT IS ORDERED that the motion filed by defendants Meg Schable and Brian Healy to transfer this case for improper venue, dkt. #11, is GRANTED. This case is TRANSFERRED to the United States District Court for the Eastern District of Wisconsin.

Entered this 3<sup>rd</sup> day of March, 2010.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge